

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

21 CR 446 (VSB)

5 ANDREW FRANZONE,

6 Defendant.

Arraignment

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7 New York, N.Y.

8 July 23, 2021

9 12:40 p.m.

10 Before:

11 HON. VERNON S. BRODERICK,

12 District Judge

13 APPEARANCES

14 AUDREY STRAUSS

15 United States Attorney for the
16 Southern District of New York

BY: JORDAN ESTES

Assistant United States Attorney

17 FEDERAL DEFENDERS OF NEW YORK, INC.

18 Attorneys for Defendant

BY: JULIA GATTO

1 (Case called)

2 THE COURT: Are we ready to proceed?

3 MS. ESTES: Yes, your Honor.

4 THE COURT: And the defense?

5 MS. GATTO: Yes, your Honor. Thank you.

6 THE COURT: If I could ask counsel to please identify
7 themselves for the record.

8 MS. ESTES: Good afternoon, your Honor, Jordan Estes
9 for the government. I'm covering for Kiersten Fletcher today.

10 THE COURT: Good afternoon.

11 MS. GATTO: Good afternoon, your Honor, Federal
12 Defenders of New York by Julia Gatto for Mr. Franzone.

13 THE COURT: Good afternoon.

14 I understand this matter is on for an arraignment.

15 Mr. Franzone, have you received a copy of the
16 indictment?

17 THE DEFENDANT: Yes.

18 THE COURT: Have you had an opportunity to read it?

19 THE DEFENDANT: Yes.

20 THE COURT: Have you had an opportunity to go over it
21 with your attorney?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you waive its public reading or do you
24 want me to read it to you?

25 THE DEFENDANT: I'll waive it. Thank you.

1 THE COURT: How do you plead?

2 THE DEFENDANT: Not guilty.

3 THE COURT: Thank you.

4 Ms. Estes, what's the status of discovery?

5 MS. ESTES: Your Honor, we have actually just produced
6 discovery to defense counsel now. It is a voluminous amount of
7 discovery.

8 I would also note that the parties have agreed to a
9 protective order, which we have both signed and which I'll
10 submit to the Court.

11 THE COURT: You can hand it up.

12 MS. ESTES: Thank you, your Honor.

13 THE COURT: Is that consistent with defense counsel's
14 understanding?

15 MS. GATTO: Yes, your Honor.

16 THE COURT: I see the signature here. OK. I'll sign
17 that right now and it should hit the docket either later today
18 or Monday.

19 MS. ESTES: Thank you, your Honor.

20 THE COURT: Let me ask, Ms. Gatto, what is your
21 preference?

22 MS. GATTO: Your Honor, understanding that the
23 discovery is quite voluminous, I was going to ask to come back
24 in 90 days, which will hopefully give me enough time to get
25 through my review and my review with Mr. Franzone of the

1 discovery.

2 THE COURT: Are there search warrants, Ms. Estes, and
3 were there any statements made in connection with the case?

4 MS. ESTES: Yes, your Honor, there were search
5 warrants. There are also, we have recordings of Mr. Franzone
6 that we received from the SEC. I don't know if there are any
7 postarrest statements, but we do have those recordings, which
8 are in the discovery.

9 THE COURT: Those recordings were done consistent with
10 the operation of the business, or do you not know one way or
11 the other?

12 MS. ESTES: Your Honor, I am not sure since I am
13 covering.

14 THE COURT: I was just trying to figure out whether
15 there is going to be any motion practice with regard to that.
16 Obviously, I'll leave that up to defense counsel.

17 We will set it down for 90 days out.

18 THE LAW CLERK: We can do October 21 at noon. That's
19 a Thursday.

20 THE COURT: October 21 at noon. Ms. Estes, I'll leave
21 it to you to let Ms. Fletcher know.

22 MS. ESTES: Yes, your Honor.

23 MS. GATTO: Your Honor, I know I'm going to be on
24 trial that week. If we can schedule it for the following week.

25 THE COURT: Is the trial just a week or do you

1 think --

2 MS. GATTO: To play it safe, the week of November 1
3 would be ideal for me.

4 THE LAW CLERK: We could do Friday, November 5, at 10
5 a.m.

6 MS. GATTO: Thank you.

7 THE COURT: Fantastic.

8 I am going to exclude the time between now and
9 November 5 from the time within which Mr. Franzone would have
10 to be brought to trial. I find that that exclusion outweighs
11 the interests of the public and Mr. Franzone in a speedy trial.
12 The reason for that exclusion is to allow counsel who just
13 received the documents to review the documents, review them
14 with Mr. Franzone, and determine whether any motions are
15 appropriate.

16 I understand there is a voluminous amount of
17 discovery. If we could have at next conference, I would like
18 to discuss motions. And then if there are motions, we will set
19 a schedule for that.

20 MS. ESTES: Understood, your Honor.

21 THE COURT: Is there anything else that we need to
22 deal with today?

23 MS. ESTES: No, your Honor. Thank you.

24 THE COURT: From the defense.

25 MS. GATTO: No, Judge. Thank you.

1 THE COURT: Thank you for coming in. Please,
2 everybody, stay safe.

3 (Adjourned)

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